

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

KURT A. BENSHOOF,

Plaintiff,

v.

DAVID S. KEENAN,

Defendant.

Case No. C24-382 LK

ORDER TO SHOW CAUSE

Plaintiff has filed an application to proceed in forma pauperis (“IFP”) in the above entitled action. (Dkt. # 1.) In the IFP application, Plaintiff indicates he has not been employed since 2012 and has received no money from any source for the past twelve months. (*Id.* at 1.) However, Plaintiff lists monthly expenses totaling \$1,630 and states he has \$400 in cash and \$55 in checking and savings accounts. (*Id.* at 2.) Plaintiff also states he owns a vehicle worth \$25,000. (*Id.*) Asked to provide any other information explaining why he cannot pay court fees and costs, Plaintiff states he “cannot work to obtain income.” (*Id.*)

The district court may permit indigent litigants to proceed IFP upon completion of a proper affidavit of indigence. *See* 28 U.S.C. § 1915(a). “To qualify for in forma pauperis status, a civil litigant must demonstrate both that the litigant is unable to pay court fees and that the

1 claims he or she seeks to pursue are not frivolous.” *Ogunsalu v. Nair*, 117 F. App’x 522, 523
2 (9th Cir. 2004), *cert. denied*, 544 U.S. 1051 (2005). To meet the first prong of this test, a litigant
3 must show that he or she “cannot because of his poverty pay or give security for the costs and
4 still be able to provide himself and dependents with the necessities of life.” *Adkins v. E.I. DuPont*
5 *de Nemours & Co.*, 335 U.S. 331, 339 (1948) (internal alterations omitted).

6 The inconsistency in Plaintiff’s application renders the Court unable to determine his
7 ability to pay. Plaintiff does not, for example, inform the Court how he pays for his monthly
8 expenses. Plaintiff should not, under these circumstances, be authorized to proceed IFP without
9 further clarification.

10 Accordingly, Plaintiff is ORDERED to show cause by **March 29, 2024**, why the Court
11 should not recommend his IFP application be denied. The Clerk is directed to send copies of this
12 Order to Plaintiff and to the Honorable Lauren J. King.

13 Dated this 22nd day of March, 2024.

14 

15 MICHELLE L. PETERSON
16 United States Magistrate Judge
17
18
19
20
21
22
23